

REMARKS

The amendments in the specification simply insert patent or publication numbers corresponding to applications previously cited only by serial or publication numbers, or correct minor clerical errors. More specifically, the first amendment in Paragraph [0002] inserts the patent number for an application originally identified by serial and publication numbers. The second amendment in this Paragraph corrects a clerical error which is readily apparent from Office records, which show that Application Serial No. 10/249,957 published under No. 2004/0027327, and not under the number originally given; the correct number was also given in Paragraph [0011]. The third amendment in Paragraph [0002] simply inserts a publication number for an application originally identified only by serial number.

The sole amendment in Paragraph [0011] is a correction of a minor clerical error, the need for which is apparent from Office records. The list of patents and applications in this Paragraph is stated to be E Ink and MIT patents relating to electrophoretic displays. U.S. Patent No. 6,249,721 is not assigned to either E Ink or MIT and does not relate to this technology. Hence, correction is obviously required, and Office records show that the correct Patent No. 6,249,271 must be intended.

Claims 1-37 are present in the application. Claims 34-37 stand withdrawn from consideration as directed to a non-elected invention and have now been formally cancelled, without prejudice to applicants' right to file divisional or continuation applications directed to the subject matter of these claims. Claims 1, 2 and 18 stand rejected under 35 USC 102(b). Claims 3-17 and 19 are objected to as being dependent upon a rejected base claim but indicated as being allowable if rewritten in independent form. Claims 20-33 stand allowed.

Applicants do not agree with the 35 USC 102 rejections of claims 1, 2 and 18 and reserve the right to further prosecute the subject matter of these claims in divisional or continuation applications. However, in order to secure early issue of a patent on this application, claim 1 has been amended to incorporate the subject matter of claim

14, and claims 4 and 7 have been rewritten in independent form. Claim 14 has been cancelled as redundant in view of the amendment to claim 1, and consequently claims 15 and 16 have been amended to depend from claim 1 instead of claim 14. Accordingly, all of claims 1-13 and 15-16 incorporate the features of at least one of original claims 4, 7 and 14, all of which were held allowable in the Office Action. Accordingly, all of claims 1-13 and 15-16 are allowable.

The Office Action stated that claim 17 would be allowable if rewritten in independent form. With respect, claim 17 is already in independent form and is believed to be allowable over the references of record, which do not disclose any structure comparable to the four-layer structure defined in claim 17. Accordingly, claim 17 is allowable without amendment.

Claim 18 has been amended in a manner exactly similar to claim 1, while claim 19 remains dependent on claim 18. Hence, claims 18 and 19 are allowable over the references of record for the same reasons as original claim 14.

Claims 20-33, which were indicated as allowable in the Office Action, are retained unchanged.

As already indicated, claims 34-37 have been cancelled.

Claims 38-56 are added to give applicants the full scope of the protection to which they believe themselves entitled. More specifically, these claims are directed to electro-optic assemblies according to original claims 1-18 comprising certain preferred types of electro-optic media mentioned in the description. Claim 38 is similar to original claim 1 but is restricted to electro-optic assemblies comprising a layer of an electrophoretic medium comprising a suspending fluid and a plurality of electrically charged particles suspending in the suspending fluid and capable of moving therethrough on application of an electric field to the medium, as described in Paragraph [0010]. Accordingly, claim 38 is based, *inter alia*, on Paragraph [0010]. It is believed to be readily apparent that claim 38 is allowable over the references of record, which do not disclose any electro-optic medium remotely similar to that defined in claim 38.

Claims 39-41 depend from claim 38 and are directed to electro-optic assemblies in which the electrophoretic medium is of the types described in Paragraphs [0011], [0012] and [0014] respectively and hence find bases in these paragraphs. Claims 42-53 depend, directly or indirectly, from claim 38 and parallel original claims 2-13 respectively, in which they find bases.

Claim 54 parallels original claim 18 but is restricted to the same class of electro-optic media as claim 38, and hence the basis for this claim will readily be apparent. Claims 55 and 56 parallel original claims 1 and 18 respectively but are restricted to rotating bichromal member media, as described in Paragraph [0008], on which these two claims are based.

Claims 39-56 are allowable for the same reason as claim 38, namely that the references of record do not disclose any electro-optic medium remotely similar to that required by claims 39-56.

No new matter is introduced by any of the foregoing amendments.

Should the Examiner see fit to allow all the claims now present in the application, it is respectfully suggested that the claims would be most easily understood if they were rearranged so that related claims are grouped together and dependent claims follow immediately after the claims from which they depend, and thus in the following order:

- 1-3
- 9-13
- 15-16
- 4-6
- 7-8
- 17-33
- 38-56.

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A Fee Determination Record (Form PTO/SB/06) calculating the additional claim fees due as a result of this Amendment and a Fee Transmittal (Form PTO/SB/17) authorizing charging of these additional claim fees to the assignee's Deposit Account, are enclosed (the undersigned attorney appreciates that Form PTO/SB/17 is not well adapted for this situation but cannot find any other convenient method for paying the relevant fees). As a result of a review of certain business arrangements entered into by the applicants' assignee, E Ink Corporation, the undersigned attorney has determined that this application is now entitled to small entity status, and accordingly the fees paid herewith are being paid on that basis. It is respectfully requested that the Office Records be changed accordingly.

Reconsideration and allowance of all claims in this application is respectfully requested.

An Information Disclosure Statement is being filed simultaneously herewith. The undersigned attorney would apologize for not filing this Information Disclosure Statement earlier. The fee for the late filing of this Information Disclosure Statement is included on the enclosed Fee Transmittal.

Respectfully submitted



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